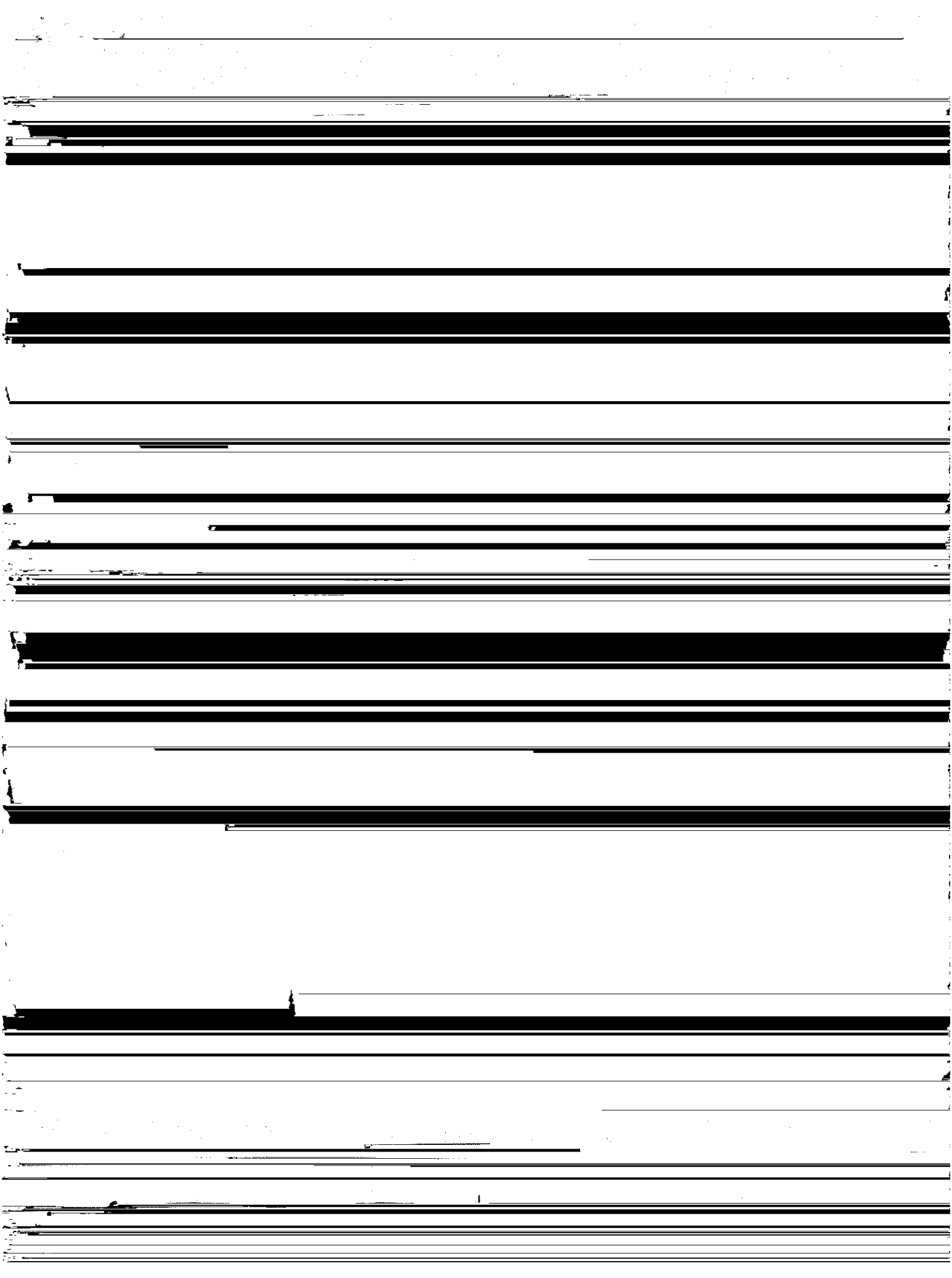

provide analyses of such pending or proposed legislation; and to mobilize our members and other activists to lobby their legislators.

3. The ACLU Foundation is a separate 501(c)(3) organization that provides legal representation to individuals and organizations free of charge in civil liberties cases, and

[redacted]

and public service advertisements in print and broadcast media. We produce an in-depth

(PBS); and Washington Journal (CSPAN). In addition, I routinely discuss the Patriot Act with print journalists. *See, e.g.*, Jeff Stein & Ethan P. Sommer, *ACLU Claims Partial*

spoke about the Patriot Act and other civil liberties issues at Franklin Pierce Law Center in New Hampshire. In March 2006, I participated in a debate about the Patriot Act and other civil liberties issues with Colorado Governor Bill Owens; the debate took place at

address at the University of California at Santa Barbara, in which I discussed the threat the Patriot Act poses to civil liberties. I also discussed the Patriot Act on a panel for The Minnesota Foundation, a prominent public affairs forum in the Midwest, in May 2005. I

14 The ACLU played a key role in informing congressional debate about the

reauthorization of the Patriot Act. The reauthorization process led to the introduction in this Congress of a significant number of bills that would have limited, expanded, or made

16. During previous Congresses, ACLU staff members have provided testimony at congressional hearings about the Patriot Act on numerous other occasions. *See, e.g.,*

20 Lawyers for the ACLUF have also litigated a number of cases involving the

Patriot Act. For example, we filed two lawsuits under the Freedom of Information Act to obtain information about the government's use of the Patriot Act. In federal court in

the ACLUF would be in violation of the gag order if we stated publicly that we represent a client served with an NSL—even if we did not identify the name of our client, the

[redacted]

subject of the NSL, or any other details about the specific NSL served.

25. During the period in which the government interpreted the gag order most

[redacted]

responses came across as evasive, and frustrated a reporter who wanted to provide more

[redacted]

reauthorization of the Patriot Act. But for the gag order, we would have disclosed to members of Congress the kinds of information sought by the NSL that was served on our

[redacted]

31. Other new Patriot Act powers have gag provisions that are similar or identical to the NSL gag provision. Information about the government's application of the gag provision in both this case and the Library Connection case would have informed the

[redacted]

have disclosed this information to the public.

[redacted]

Apr. 5, 2005 (testimony of Attorney General Alberto Gonzalez urging renewal of the Patriot Act and denying that Section 215 had been used against libraries); *id.* (testimony of FBI Director Robert Mueller urging renewal of the Patriot Act and an expansion of the

virtually impossible for those served with NSLs to obtain judicial relief from gag orders issued by the FBI. The gag order issued in this case continues to prevent the ACLU and

[redacted]

ACLUF from disclosing information that is critical to the public debate.

[redacted]